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To: USPTO PATENT CENTRAL FACSIMILE NUMBER

FAX # : (571) 273-8300

FROM: Larry A. Schemmel

DATE: 03-23-2006

OF PAGES: 21, INCLUDING FAX COVER SHEET

RE: RESPONSE TO OFFICE COMMUNICATION DATED 03/03/2006
REGARDING A NON-COMPLIANT AMENDMENT DOCUMENT

PATENT APPLICATION NO. 10/791,310

MESSAGE:

**PLEASE SEE THE ENCLOSED DOCUMENTS: 2 PAGES - COVER LETTER;
1 PAGE - TRANSMITTAL FORM PTO/SB/21;
17 PAGES - AMENDMENT AND RESPONSE.**

**IF THERE ARE ANY QUESTIONS, PLEASE CONTACT ME AT (601) 359-7600 OR BY FACSIMILE
AT (601) 359-7774.**

THANK YOU.

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BY FACSIMILE ONLY sent to (571) 273-8300

Assistant Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Re: Response to an Office Communication dated 03/03/2006 Regarding a
Non-Compliant Amendment Document

Title: Food Compositions Comprising Waterleaf Leaves and Methods
of Using Thereof

Application No.: 10/791,310
Filing Date: 03-01-2004
Inventors: Ezekwe, Michael O., et al.
Group Art Unit: 1655
Examiner: McCormick-Ewoldt, Susan B.
Attorney Docket No.: 2004-01

SIR:

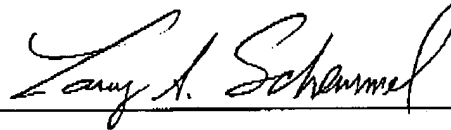
Enclosed is a Response to an Office communication dated 03/03/2006 regarding a Non-Compliant Amendment Document pursuant to instructions provided by the Office communication from and a telephone conversation with Legal Instruments Examiner Ms. Katrina Turner on March 6, 2006. Please accept the enclosed modified Amendment and Response to the Office Action in the above-referenced patent application to comply with the Office's instructions and the requirements of 37 CFR §§ 1.121 or 1.4.

Please also accept for filing all other original documents received by the Office on February 22, 2006, including the Transmittal Form, Petition for Extension of Time, Extension of Time fee check of \$510, Petition to Correct Inventorship, Statement of Edith I. Ezekwe, new Declaration under 37 CFR § 1.63, processing fee check of \$130 under 37 CFR § 1.17(i), Statement Under 37 CFR § 3.73(b), additional original Power of Attorney, and copy of an additional Assignment of Patent Application. Thank you for your assistance in this matter.

Assistant Commissioner for Patents
Page 2
March 23, 2006

Respectfully submitted,

OFFICE OF THE ATTORNEY GENERAL
STATE OF MISSISSIPPI

A handwritten signature in cursive script, reading "Larry A. Schemmel", is written over a solid horizontal line.

Larry A. Schemmel
Special Assistant Attorney General
Registration No. 40,801
Attorney of Record

I:\Larry\ALCORN\patent\response2noncompl.ltr

MAR 23 2006

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

19

Application Number	10/791,310
Filing Date	03/01/04
First Named Inventor	Ezekwe, Michael O.
Art Unit	1855
Examiner Name	Susan B. McCormick-Ewoldt
Attorney Docket Number	2004-01

ENCLOSURES (Check all that apply)


- | | | |
|---|--|---|
| <input type="checkbox"/> Fee Transmittal Form
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<input type="checkbox"/> Amendment/Reply
<input type="checkbox"/> After Final
<input type="checkbox"/> Affidavits/declaration(s)
<input type="checkbox"/> Extension of Time Request
<input type="checkbox"/> Express Abandonment Request
<input type="checkbox"/> Information Disclosure Statement

<input type="checkbox"/> Certified Copy of Priority Document(s)
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)
<input type="checkbox"/> Licensing-related Papers
<input type="checkbox"/> Petition
<input type="checkbox"/> Petition to Convert to a Provisional Application
<input type="checkbox"/> Power of Attorney, Revocation
<input type="checkbox"/> Change of Correspondence Address
<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Request for Refund
<input type="checkbox"/> CD, Number of CD(s) _____
<input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
|---|--|---|

Remarks

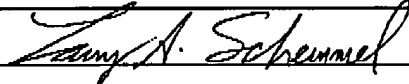
Response to an Office communication dated 03/03/2006 regarding a Non-Compliant Amendment Document

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name			
Signature			
Printed name	Larry A. Schemmel		
Date	3-23-06	Reg. No.	40,901

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Larry A. Schemmel	Date	3-23-06

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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DOCKET NO. 2004-01

CONFIRMATION NO. 3527

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: MICHAEL O. EZEKWE, ET AL.

SERIAL NO.: 10/791,310

FILING DATE: MARCH 1, 2004

FOR: FOOD COMPOSITIONS COMPRISING WATERLEAF LEAVES AND METHODS
OF USING THEREOF

ART UNIT: 1655

EXAMINER: McCORMICK-EWOLDT, SUSAN BETH

AMENDMENT AND RESPONSE

ASSISTANT COMMISSIONER FOR PATENTS
P. O. BOX 1450
ALEXANDRIA, VA 22313-1450

SIR:

This Response initially is in response to an Office communication dated 03/03/2006 regarding a Non-Compliant Amendment Document pursuant to instructions provided by the Office communication from and a telephone conversation with an Office Legal Instruments Examiner on March 6, 2006. Applicants respectfully request acceptance of the enclosed modified Amendment and Response to the Office Action dated August 24, 2005, to comply with the Office's instructions and the requirements of 37 CFR §§ 1.121 or 1.4, and all other original documents received by the Office on February 22, 2006. Pursuant to the instructions provided

and so that a complete listing of all of the claims is present, that Claims 30 and 31 are present, and that the Claims are not on the same page as the statement, the modified Amendment and Response will show the section entitled "IN THE CLAIMS" to begin on a new page separate from the opening statement paragraphs (old Page 2 / new Page 4) and the statement section entitled "REMARKS" to begin on a new page separate from the Claims (old Page 6 / new Page 8).

This Amendment and Response is submitted in answer to the Office Action dated August 24, 2005, which set a three-month period for response, making such response due on or before November 24, 2005. Applicants respectfully petition for a three (3) month extension of time for filing a response in connection with the present application. A Request for Extension of Time for three (3) months is attached hereto and incorporated herein by reference, along with the required fee of \$510.00, thereby extending the date for response from November 24, 2005, to February 24, 2006. Thus, this Amendment and Response is considered timely filed on or before February 24, 2006. Entry of the Amendment and Remarks is respectfully requested.

Applicants also respectfully submit an amendment in the form of a Petition to Correct Inventorship pursuant to 37 CFR § 1.48 to amend and correct the inventorship in this application for patent. The Petition requests that Edith I. Ezekwe be added to the list of inventors. The Petition, Statement of Edith I. Ezekwe that the error in inventorship occurred without deceptive intent on her or any other individual's part, a new Declaration signed by all inventors pursuant to 37 CFR § 1.63, the processing fee of \$130.00 under 37 CFR § 1.17(i), and the written consent of the assignee by Statement Under 37 CFR § 3.73(b), are attached hereto and incorporated herein by reference. Also attached hereto are an original additional Power of Attorney and a copy of an additional Assignment of Patent Application, whereby Edith I. Ezekwe has assigned her rights to

the invention to the assignee, Alcorn State University. The original of this additional Assignment will be sent separately to and duly-recorded in the proper USPTO office, similar to the assignment document concerning the three originally-named inventors that has been duly-recorded in said office. Entry of this Petition and supporting documentation is also respectfully requested.